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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-204*

12 **ELIZABETH A. CLARKE, AKA**  
13 **ELIZABETH A. ANNE WEATHERS, AKA**  
14 **ELIZABETH CLARKE**  
210 Meadow Lane  
Madison, MS 39110

**A C C U S A T I O N**

15 **Registered Nurse License No. 610417**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about December 10, 2002, the Board of Registered Nursing issued Registered  
23 Nurse License Number 610417 to Elizabeth A. Clarke, aka Elizabeth A. Anne Weathers, aka  
24 Elizabeth Clarke ("Respondent"). The Registered Nurse License expired on February 29, 2004,  
25 and has not been renewed.  
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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified

copy of the decision or judgment shall be conclusive evidence of that action ..."

8. Section 2811, subdivision (b) of the Code provides:

"Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing."

#### REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section, 1419.3 provides:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

#### COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Disciplinary Action by the Mississippi Board of Nursing)**

4 11. Respondent is subject to disciplinary action under Code section 2761, subdivision  
5 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
6 disciplined by the Mississippi Board of Nursing ("Mississippi Board").

7 12. On or about December 5, 2008, pursuant to the Agreed Order issued by the  
8 Mississippi Board, in the disciplinary action entitled, *In the Matter of Mississippi License no. R-*  
9 *809616, issued to: Elizabeth Clarke 340A Brendal Wood Cove, Brandon, MS 39047*, the  
10 Mississippi Board accepted the voluntary surrender of Respondent's registered nurse license.  
11 Respondent agreed that the voluntary surrender of her license had the same effect as a revocation  
12 of the license. The basis for the Order is as follows:

13 a. Respondent failed to comply with the Recovery Nurse Program Affidavit  
14 that was executed on March 21, 2006 and ratified by the Board on April 6, 2006. Specifically,  
15 Respondent failed to submit monthly reports, failed to schedule and attend required meetings,  
16 failed to re-enter aftercare as recommended, and discontinued submitting to random drug screens.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 13. Respondent is subject to disciplinary action under Code section 2761, subdivision  
20 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more  
21 particularly described in paragraph 12, subparagraph (a), inclusive, above, and herein  
22 incorporated by reference.

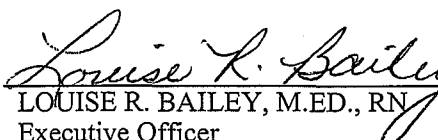
23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26 1. Revoking or suspending Registered Nurse License Number 610417, issued to  
27 Elizabeth A. Clarke, aka Elizabeth A. Anne Weathers, aka Elizabeth Clarke;  
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- 1           2.     Ordering Elizabeth A. Clarke, aka Elizabeth A. Anne Weathers, aka Elizabeth Clarke  
2     to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement  
3     of this case, pursuant to Business and Professions Code section 125.3; and  
4           3.     Taking such other and further action as deemed necessary and proper.

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7     DATED: September 25, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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